

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

NOV 14 2005

JOHN F. CORCORAN, CLERK
BY: *J. M. Turk*
DEPUTY CLERK

MICHAEL L. BROWN,)
Plaintiff,) Civil Action No. 7:05-cv-00657
)
v.)
)
TRACY S. RAY, WARDEN,)
Defendant.) By: Hon. James C. Turk
) Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that petitioner's petitions for a writ of mandamus are hereby **DISMISSED**; the court also construes these petitions as a civil action, pursuant to 42 U.S.C. § 1983, that is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915A(b)(1), for failure to state a claim upon which relief could be granted, and the action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 14th day of November, 2005.

James C. Turk
Senior United States District Judge